

**FOR DECISION**

THIRD ITEM ON THE AGENDA

**Matters arising out of the work of the
96th Session (2007) of the International
Labour Conference****Follow-up to the adoption of the work in
fishing Convention and Recommendation
and related Conference resolutions**

1. On 14 June 2007, the 96th Session of the International Labour Conference adopted the Work in Fishing Convention, 2007 (No. 188) and the Work in Fishing Recommendation, 2007 (No. 199). The result of the vote on the Convention was 437 votes in favour, two votes against, with 22 abstentions. The result of the vote on the Recommendation was 443 votes in favour, 0 against, with 19 abstentions.
2. The Work in Fishing Convention revises the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126). The Convention will enter into force 12 months after the date on which the ratifications of ten Members, eight of which are coastal States, have been registered with the Director-General.
3. The Convention sets minimum requirements for fishers' working conditions on fishing vessels. It contains provisions on conditions of employment, hours of work and rest, accommodation, food and catering, safety and health protection, medical care at sea, welfare and social security protection. It also includes provision on both flag State and port State enforcement. The Convention is aimed at all fishers and fishing vessels engaged in commercial fishing operations. It provides more stringent provisions for larger vessels or those on extended voyages. It also provides for flexibility, for example, as regards certain categories of fishing vessels and fishers, and as regards States that cannot immediately implement all of the measures provided in the Convention owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions.
4. The Work in Fishing Recommendation supersedes the Work in Fishing Recommendation, 2005 (No. 196), which revised the Hours of Work (Fishing) Recommendation, 1920 (No. 7). The Recommendation supplements Convention No. 188.

Follow-up

5. The Conference also adopted four resolutions, appended to this paper, concerning the ILO's work in the fishing sector:

- resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007;
- resolution concerning port State control;
- resolution concerning tonnage measurement and accommodation;
- resolution concerning promotion of welfare for the fishers.

In doing so, it recognized that questions relating to the timing of the various actions requested under the resolutions would be a matter for the Governing Body to determine in light of agreed priorities and the availability of financial resources.

6. These resolutions are important tools for identifying those actions to be taken to promote the work in fishing Convention and Recommendation. The first resolution refers to the importance of assisting flag States or port States to implement the Convention. Such assistance, including the development of guidelines and training material, providing technical assistance, and holding national and regional seminars and workshops, is important for ensuring early, widespread and effective implementation. The second resolution refers to the preparation of guidance on port State control of the Convention, an important element for its uniform and harmonized implementation and enforcement. Consistent with increased interest in and support for inter-agency cooperation, it requests the ILO to call upon the technical expertise of the International Maritime Organization (IMO), the Food and Agriculture Organization of the United Nations (FAO) and other relevant bodies in this work. The third resolution notes that the IMO is considering the effects of the International Convention on Tonnage Measurement of Ships, 1969, on ship safety, accommodation, safety, health and welfare, and port charges, and calls on the Director-General to monitor developments which may have an impact on the Work in Fishing Convention, 2007 (No. 188) and, if necessary, take further action. The fourth resolution calls for ILO action in the areas of social protection and social security of fishers. This latter resolution touches upon such areas as social security, gender discrimination, employment, occupational safety and health, access to welfare facilities, recruitment and retention of fishers, migrant labour and prevention of HIV/AIDS among fishers and fishing communities.

7. The Office has already begun the development of information and training materials concerning the work in fishing Convention and Recommendation, and is undertaking internal consultations with relevant headquarters and field units on the most efficient and effective means of promoting these instruments and the four resolutions adopted by the Conference. A key element for the success of the follow-up to the adoption of these new standards will be integrating this work into existing ILO programmes in a timely and cost-effective manner. The Office is consulting, and will continue to consult, with its constituents in these efforts.

8. The Office is coordinating its work to promote the implementation and ratification of the Work in Fishing Convention, 2007 (No. 188) with the work already under way to promote early ratification and implementation of the Maritime Labour Convention, 2006 (MLC). A coordinated effort is important as in many member States laws and regulations addressing conditions of work of seafarers also address conditions of work of fishers. While earlier ILO standards for the shipping sector applied or could be applied, to the fishing sector, the

newly adopted MLC specifically *excludes* fishing vessels. Thus, the Work in Fishing Convention, 2007 (No. 188) fills this “gap” in protection of fishers in a manner that is timely and appropriate for the sector, and it should be promoted in conjunction with the MLC.

9. *The Governing Body may wish to request the Director-General to:*

- (i) take all the necessary measures for the promotion of the Work in Fishing Convention, 2007 (No. 188), and its accompanying Recommendation, 2007, in accordance with the resolutions adopted by the 96th Session (June 2007) of the International Labour Conference, as referred to in paragraphs 5 and 6, taking into account the resources available for sectoral activities under the regular budget and any voluntary contributions that can be obtained from extra-budgetary donors;***
- (ii) make concrete proposals in due course to the Governing Body, with regard to the implementation of those resolutions as well as of the other resolutions reproduced in the appendix hereto.***

Geneva, 25 September 2007.

Point for decision: Paragraph 9.

Appendix

Resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007¹

The General Conference of the International Labour Organization,

Having adopted the Work in Fishing Convention, 2007,

Noting that the success of the Convention will depend upon its being widely ratified, with the effective implementation of its requirements,

Mindful that the mandate of the Organization includes the promotion of decent work and living conditions;

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority to conducting tripartite work to develop guidelines for flag State implementation and to develop guidelines to establish national action plans for progressive implementation of relevant provisions of the Convention,

Further invites the Governing Body to request the Director-General to give due consideration in the programme and budget for technical cooperation programmes to promote the ratification of the Convention and to assist members requesting assistance in its implementation in such areas as:

- technical assistance for Members, including capacity building for national administrations as well as representative organizations of fishing vessel owners and fishers, and the drafting of national legislation to meet the requirements of the Convention;
- the development of training materials for inspectors and other staff;
- the training of inspectors;
- the development of promotional materials and advocacy tools for the Convention;
- national and regional seminars, as well as workshops on the Convention; and
- promoting the ratification and implementation of the Convention within ILO Decent Work Country Programmes.

Resolution concerning port State control¹

The General Conference of the International Labour Organization,

Having adopted the Work in Fishing Convention, 2007,

Considering that this Convention aims to establish a new pillar of international legislation for the fishing industry,

¹ Adopted on 12 June 2007.

Mindful of the mandate of the Organization to promote decent work and living conditions,

Noting that sustainable development consists of three pillars: social, economic and environmental,

Noting Articles 43 and 44 of the adopted Convention, which provide for port State responsibilities and control under the terms of “no more favourable treatment”,

Noting that the uniform and harmonized implementation of port State responsibilities in accordance with the relevant provisions of the Convention will contribute to the successful implementation of the Convention,

Considering that, given the global nature of the fishing industry, it is important for port State control officers to receive proper guidelines for the performance of their duties,

Recognizing the work done by the International Maritime Organization (IMO) and the Food and Agriculture Organization of the United Nations (FAO) in this area, and the importance that the international community attaches to cooperation among international agencies;

Invites the Governing Body of the International Labour Office to convene a tripartite meeting of experts on the fishing sector to develop suitable guidance for port State control officers concerning the relevant provisions of the Work in Fishing Convention, 2007, and to request that the Office seek the technical expertise of the IMO and FAO and other relevant international bodies in this regard.

Resolution concerning tonnage measurement and accommodation²

The General Conference of the International Labour Organization,

Having adopted the Work in Fishing Convention, 2007,

Noting the difficulties caused by making an equivalence between the measurement of the size of vessels in terms of length and gross tonnage and the impact it has in the fishing industries,

Recognizing the impact the International Convention on Tonnage Measurement of Ships, 1969, has on the safe design of vessels, including their accommodation,

Recognizing also the importance of accommodation for the provision of decent work for fishers,

Recalling the resolution concerning tonnage measurement and the accommodation of crews adopted by the 29th Session of the Joint Maritime Commission, which was noted by the Governing Body of the International Labour Office at its 280th Session,

Aware that the International Maritime Organization (IMO) is considering the effects of the International Convention on Tonnage Measurement of Ships, 1969, on ship safety, accommodation, safety, health and welfare, and port charges;

² Adopted on 12 June 2007.

Invites the Governing Body to request the Director-General to monitor these developments and to evaluate any amendment to or interpretation agreements of the International Convention on Tonnage Measurement of Ships, 1969, which may have an impact on the Work in Fishing Convention, 2007, especially on Annex III;

Invites the Governing Body to request the Director-General to report to it any developments which may have an impact on the Work in Fishing Convention, 2007, especially on Annex III;

Further invites the Governing Body to act on such a report by giving due priority, if required, to convening a tripartite meeting of experts, as provided for in Article 45 of the Work in Fishing Convention, 2007, to address the matter with a view to maintaining the relevance of Annex III of that Convention.

Resolution concerning the promotion of welfare for fishers³

The General Conference of the International Labour Organization,

Having adopted the Work in Fishing Convention, 2007,

Recognizing that the provision of adequate social protection and social security for all is a universally accepted development goal,

Acknowledging the specific nature of the fishing industry and the fact that fishers require special protection;

Invites the Governing Body of the International Labour Office to request the Director-General, in a cost-effective manner, to consider, as appropriate, the following social issues related to fisheries, as part of its programme and budget:

- promotion of the provision of effective social protection and social security to all fishers within the ongoing work of the Organization so as to secure effective social protection for all;
- the particular employment problems that are faced by women in the fishing industry, including discrimination and the barriers to access to employment in the industry;
- the causes of occupational diseases and injuries in the fishing sector;
- the need to encourage member States to strongly ensure that fishers on fishing vessels in their ports are able to have access to fishers' and seafarers' welfare facilities;
- the need to provide member States and social partners with advice on developing strategies to improve the retention of fishers and the recruitment and retention of new entrants in fisheries;
- the issues relating to migrant fishers; and
- the education of fishers and their families by working together with appropriate bodies for the prevention of HIV/AIDS among fishers and in fishing communities.

³ Adopted on 12 June 2007.